

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDWARD SOFOWORA,)	1:05-cv-00043-OWW-TAG-HC
)	
Petitioner,)	ORDER ADOPTING REPORT AND
)	RECOMMENDATION (Doc. 18)
v.)	
)	ORDER DISMISSING PETITION FOR WRIT
)	OF HABEAS CORPUS (Doc. 1)
JOHN ASHCROFT, et al.,)	
)	ORDER DIRECTING CLERK OF COURT
)	TO ENTER JUDGMENT
Respondents.)	

Petitioner, currently in the custody of the Bureau of Immigration and Customs Enforcement ("ICE") and proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 on January 10, 2005. (Doc. 1).

On September 2, 2005, the Magistrate Judge assigned to the case filed a Report and Recommendation recommending the petition for writ of habeas corpus be DISMISSED for lack of ripeness because, as a result of Petitioner's appeal to the United States Court of Appeals for the Ninth Circuit, which became final on August 24, 2005, neither the three-month period of

1 removal under 8 U.S.C. § 1231(a)(1)(B) nor the six-month presumptive period of reasonableness
2 for detention established in Zadvydas v. Davis, 533 U.S. 678, had expired. This Report and
3 Recommendation was served on all parties and contained notice that any objections were to be
4 filed within thirty days from the date of service of that order. Petitioner submitted a notice of
5 change of address on September 22, 2005, and the Report and Recommendation was reserved on
6 October 22, 2005. To date, the parties have not filed timely objections to the Report and
7 Recommendation.

8 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted
9 a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that
10 the Magistrate Judge's Report and Recommendation is supported by the record and proper
11 analysis.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The Report and Recommendation, filed September 2, 2005 (Court Doc. 18) is
14 ADOPTED IN FULL;
- 15 2. This petition for writ of habeas corpus (Doc. 1), is DISMISSED; and
- 16 3. The Clerk of Court is DIRECTED to ENTER JUDGMENT and close the file.

17 This order terminates the action in its entirety.
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IT IS SO ORDERED.

Dated: November 29, 2005
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/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE